

Original



SPOKANE COUNTY WATER CONSERVANCY BOARD

STATE OF WASHINGTON  
APPLICATION FOR CHANGE/TRANSFER  
OF WATER RIGHT

RECEIVED

JUL 27 2011

DEPARTMENT OF ECOLOGY  
EASTERN REGIONAL OFFICE

For filing with the Department of Ecology or with County Conservancy Boards

(Check all that apply.)

- ☒ Change purpose(s) of use  
☒ Add purpose(s) of use  
☒ Change point(s) of diversion/withdrawal  
☒ Add point(s) of diversion/withdrawal  
☒ Change/transfer place of use  
☒ Other (i.e. consolidation, intertie, trust water)

Explain: \_\_\_ Change Season of Use \_\_\_

FOR OFFICE USE ONLY

CHANGE No. \_\_\_\_\_ WRIA \_\_\_\_\_

DATE ACCEPTED \_\_\_\_/\_\_\_\_/\_\_\_\_ BY \_\_\_\_\_

FEE \$ \_\_\_\_\_ REC'D \_\_\_\_/\_\_\_\_/\_\_\_\_

CHECK No. \_\_\_\_\_

SEPA: ☐ Exempt ☐ Not exempt

**\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\***

1. Applicant Information:

APPLICANT/BUSINESS NAME	PHONE NO.	FAX NO.
Keith Geschke / Key Rock Construction, Inc	( 509 ) 220-0332	(   )
ADDRESS		
9404 S. Cheney-Spokane RD		
CITY	STATE	ZIP CODE
Cheney	WA	99004-9532

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
Gene St.Godard / WNR Group, Inc	( 509 ) 953-9395	(   )
ADDRESS		
PO Box 28755		
CITY	STATE	ZIP CODE
Spokane	WA	99228

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER	RECORDED NAME(S)
031022CL	Albert A. Peters
DO YOU OWN THE RIGHT TO BE CHANGED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS: The Claim is perfected on multiple parcels currently owned by 10 Property Owners (see attachment A). This application is to amend that portion of the Claim 031022 that is appurtenant to the 16.42 irrigated acres on parcel 24223.9041 owned by Mr. LR Shepherd.	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

FOR OFFICE USE ONLY

APP. NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ CERT. NO. \_\_\_\_\_ CERT. OF CHANGE NO. \_\_\_\_\_



3. Point(s) of Diversion/Withdrawal:

A. Existing (documented on claim)

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Marshall Creek	1		SW	22	24N	42E	24225.9054	

A. Existing (not documented on claim)

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Marshall Creek	2	S1/2	NW	22	24N	42E	24222.9053	
Marshall Creek	3	S1/2	SW	22	24N	42E	24223.9041	
Marshall Creek	4	S1/2	SW	22	24N	42E	24223.9043	
Marshall Creek	5	NE	NW	27	24N	42E	24272.9049	
Marshall Creek	6	NE	NW	27	24N	42E	24272.9054	
Marshall Creek	7	NE	NW	27	24N	42E	24272.9054	

For detailed location of diversions, see attachment B

B. Proposed (on existing surface water diversions)

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Marshall Creek	1		SW	22	24N	42E	24225.9054	
Marshall Creek	2	S1/2	NW	22	24N	42E	24222.9053	
Marshall Creek	4	S1/2	SW	22	24N	42E	24223.9043	
Marshall Creek	5	NE	NW	27	24N	42E	24272.9049	
Marshall Creek	6	NE	NW	27	24N	42E	24272.9054	
Marshall Creek	7	NE	NW	27	24N	42E	24272.9054	

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☐ YES x NO      PROPOSED SURFACE WATER: ☐ YES x NO – IF NO, PROVIDE OWNER(S) NAME:

Horton Estate, PO Box 3384, Spokane, WA 99220-3384  
Thompson, Jeremy D & Becky L, 3827 E. Cleveland Avenue, Spokane, WA 99207  
Shepherd, L R & M J, 4511 W. Thorpe Rd, Spokane, WA 99224-5027  
Copeland, Margaret, 5303 W. Marshall Creek Lane, Marshall, WA 99004

Note: Owners identified are only those which have agreed to participate in the transfer process. Other diversions of those property owners not participating were not documented due to lack of property access.

B. Proposed (on proposed groundwater withdrawals)

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Proposed Groundwater Well	1	SW	SW	15	24N	42E	24153.9046 and/or	
Proposed Groundwater Well	2	SW	SW	15	24N	42E	24153.9009	

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☐ YES X NO      PROPOSED: X YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME: See above.

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

4. Purpose of Use:

A. Existing of entire claim

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	3.5 cfs	400	Irrigation season for 150 acres
Domestic	Not noted	Not noted	continuously

A. Existing of Shepherd portion of claim proposed for this transfer

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	0.4 cfs	44.26	Irrigation season for 16.42 acres

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation (note)	3.1 cfs	355.74	Irrigation season
Industrial (note)	0.4 cfs (179 gpm)	44.26	Continuous

Note : Existing irrigation is under that existing acreage which is currently being irrigated by Shepherd for 16.42 acres, which will be removed from agricultural irrigation for change to industrial use. The remaining properties under this claim owned by others will continue to use allocated surface waters for continued irrigation as currently being used.



5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Existing place of use of the entire claim and parcels are outlined in attachment A							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	W1/2	22	24N	42E	Spokane	See Attach A	102.62
	NW	27	24N	42E	Spokane	See Attach A	41.45
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME: See previous list and Attachment A							

A. Existing Shepherd Parcel for transfer

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Existing place of use to be addressed under this transfer is that portion of the Claim appurtenant to Shepherd property (parcel # 24223.9041)							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
S ½	SW	22	24N	42E	Spokane	24223.9041	16.42
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME: Shepherd, L R & M J, 4511 W. Thorpe Rd, Spokane, WA 99224-5027							

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
The proposed place of use is within the property of Key Rock Gravel pit.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
SW	SW	15	24N	42E	Spokane	24153.9046	8.61
SW	SW	15	24N	42E	Spokane	24153.9008	4.13
SW	SW	15	24N	42E	Spokane	24153.9009	3.00
W1/2	W1/2	15	24N	42E	Spokane	24155.9083	79.74
NE	SE	16	24N	42E	Spokane	24164.9040	32.80
SE	SE	16	24N	42E	Spokane	24164.9038	35.40
SE	NE	16	24N	42E	Spokane	24161.9039	19.08
DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?  
☐ YES    ☒ NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S):

6. Remarks and Other Relevant Information:

This application is for the Shepherd parcel # 24223.9041. The original claim was for 150 acres within the valley. Since the claim was filed, the property has been divided numerous times, resulting in 20 parcels with 10 specific land owners in the place of use where the claim was perfected.
Mr. Shepherd and Key Rock Construction have contacted all the property owners in the place of use of the claim to request signatures for the applications. Those property owners that have agreed to Mr. Shepherd amending his portion of the claim signed a consent letter supporting the application. These consent letters are attached to this application.
IF FOR SEASONAL OR TEMPORARY, START DATE ____/____/____ END DATE ____/____/____

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.



**7. Signatures:**

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I am hereby granting staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

Shirley Aseltine 7/22/11  
(Applicant) (Date)

Shirley Aseltine Marianne Aseltine 7/22/11  
(Land Owner New Place of Use) (Date)

Randall Aseltine Celia Aseltine 7/22/11  
(Land Owner New Place of Use) (Date)

Lawrence R. Shepherd 7/22/11  
(Water Right Holder) (Date)

Lawrence R. Shepherd 7/22/11  
(Land Owner(s) of Existing Place of Use) (Date)

**IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.**

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- |   |   |
|---|---|
| <input type="checkbox"/> APPLICATION FEE NOT ENCLOSED   | <input type="checkbox"/> MAP NOT INCLUDED or INCOMPLETE |
| <input type="checkbox"/> ADDITIONAL SIGNATURES REQUIRED | <input type="checkbox"/> SECTION _____ IS INCOMPLETE    |
| <input type="checkbox"/> OTHER/EXPLANATION: _____       |   |

STAFF: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

**ATTACHMENT A: ESTIMATED IRRIGATED ACRES, Qi (cfs), AND Qa (af/yr) FOR PARCELS WITH PERFECTED WATERS FROM CLAIM NO. 031022CL IN W 1/2 SECTION 22 AND NW 1/4 SECTION 27, T24N, R42E.W.M.**

PROPERTY OWNER NAME	PARCEL No.	TOTAL PARCEL ACRES (1)	ACRES IRRIGATED ON PARCEL (2)	% of TOTAL ACRESS IRRIGATED	APPROXIMATE Qi (cfs)	APPROXIMATE EQUIVALENT GPM	APPROXIMATE APPORTIONED Qa (AF/yr)
Stan Horton - Estate	24222.9047	9.00	2.22	1.54%	0.054	24.206	6.16
	24222.9048	7.50	4.24	2.94%	0.103	46.232	11.77
	24222.9049	7.90	4.83	3.35%	0.117	52.665	13.41
	24222.9050	8.20	5.65	3.92%	0.137	61.606	15.69
	24222.9051	9.10	7.37	5.12%	0.179	80.361	20.46
	24222.9052	9.20	8.17	5.67%	0.198	89.084	22.68
	24222.9053	9.30	7.71	5.35%	0.187	84.068	21.41
Jeremy & Becky Thompson	24225.9054	15.70	11.94	8.29%	0.290	130.191	33.15
Jeffrey Storment	24223.9055	10.35	7.92	5.50%	0.192	86.358	21.99
Carl Maier	24223.9026	5.00	2.35	1.63%	0.057	25.624	6.52
Siaki Memea	24223.9020	5.00	0.24	0.17%	0.006	2.617	0.67
X James & Leah Lanham	24225.9068	5.56	0.24	0.17%	0.006	2.617	0.67
X DG & LR Beck	24223.9008	24.59	15.94	11.06%	0.387	173.806	44.26
Libby R. Beck	24223.9056	1.00	0.71	0.49%	0.017	7.742	1.97
	24223.9057	5.80	1.06	0.74%	0.026	11.558	2.94
<b>LR &amp; MJ Shepherd</b>	<b>24223.9041</b>	<b>44.04</b>	<b>16.42</b>	<b>11.40%</b>	0.399	179.040	45.59
LR & MJ Shepherd & Elmo Thies	24223.9039	13.93	5.61	3.89%	0.136	61.170	15.58
	24272.9049	28.39	13.03	9.04%	0.317	142.076	36.18
Gerry & Margaret Copeland	24272.9094	23.94	2.45	1.70%	0.060	26.714	6.80
Michael Crabb	24272.9065	58.00	25.97	18.03%	0.631	283.171	72.10
<b>TOTAL</b>		<b>301.50</b>	<b>144.07</b>	<b>100.00%</b>	<b>3.500</b>	<b>1570.905</b>	<b>400.00</b>

(1) Acres as identified on Spokane County Assessors Website:

<http://www.spokanecounty.org/pubpadal/ParcelSummary.aspx>

(2) Irrigated acres determined from GIS analysis shown on Figure

XXXX



Attachment B: Claim No. 031022CL Diversions								
Diversion No.	Diversion Name	Parcel No.	Lat	Long	1/4 - 1/4	Section	Township	Range
1	Claim Document	24225.9054			NE-SW	22	24N	42EWM
2	Horton Diversion	24222.9053	N47.55841	W117.49242	S1/2 NW	22	24N	42EWM
3	Lower Shepherd	24223.9041	N47.55190	W117.49076	S1/2SW	22	24N	42EWM
4	Middle Shepherd	24223.9043	N47.55053	W117.49098	S1/2SW	22	24N	42EWM
5	Upper Shepherd	24272.9049	N47.54988	W117.49001	NE-NW	27	24N	42EWM
6	Copeland Dam	24272.9054	N47.54864	W117.48840	NE-NW	27	24N	42EWM
7	Copeland Diversion	24272.9054	N47.54742	W117.48857	NE-NW	27	24N	42EWM